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TO:	Examiner Arthur Duran	FROM:	Andrew J. Dillon, Reg. No. 29,634
ORGANIZATION:	US Patent and Trademark Office	DATE:	March 7, 2005
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☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Richard W. Chester

Serial No.: 09/248,160

**Filed: 02/09/1999**

**FOR: S/M FOR INSTALLING  
PERSONAL COMPUTER SOFTWARE**

ATTORNEY DOCKET NO.: RP9-98-096

Examiner: Arthur D. Duran

Art Unit: 3622

## REPLY BRIEF

Mail Stop Appeal Briefs – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is submitted in answer to the Examiner's answer dated January 7, 2005.

### ***Certificate of Transmission/Mailing***

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*Typed or Printed Name: Jane Graham*

Date: March 7, 2005

Signature \_\_\_\_\_

### ARGUMENTS

In his Answer the Examiner has responded to Appellants' arguments with respect to the *Stringer* reference by noting that despite Appellants' assertion that *Stringer* teaches the provision of "active and fully usable" software the Examiner believes that *Stringer* does indeed teach the loading of "unusable" software since *Stringer* teaches that the software may be an evaluation copy that is "function limited" wherein "one or more parts" may be disabled. Further, the Examiner notes the belief that *Stringer* teaches that "the user is provided a software product that is unusable until the user enters specific validation or authorization responses" citing column 2, line 49-055.

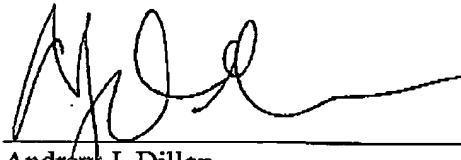
In reply, Appellants' note that "function limited" software or software in which "one or more parts" are disabled cannot possibly be construed as "unusable" software under the ordinary usage of the term "unusable." Indeed, as *Stringer* teaches that the primary purpose of the system disclosed therein is to permit a user to evaluate software it is ingenuous of the Examiner to assert that the software therein is "unusable."

Further, *Stringer*, at column 2, lines 49-55, despite the assertions to the contrary of the Examiner, describes the data access system provided by Enigma Logic of Concord, California, and not the *Stringer* reference which is before the Board.

Applicant respectfully urges favorable action by the Board.

No fee is believed to be required; however, in the event any fees are required, please charge **IBM Corporation's Deposit Account No. 50-0563**. No extension of time is believed to be required; however, in the event any extension is required, please consider that extension requested and please charge any associated fee and any additional required fees to **IBM Corporation's Deposit Account No. 50-0563**.

Respectfully submitted,



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